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October 31, 2018

**Via ECF**

Hon. Gary R. Brown  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

**RE: Louis Piccolo v. Top Shelf Provisions Co. Inc., et al.**  
**Docket No.: 16-CV-06930 (JFB)(GRB)**  
**MLLG File No.: 141-2017**

Dear Judge Brown:

This firm represents Defendants in the above-referenced matter. Defendants submit this letter in opposition to Plaintiffs' October 31, 2018 letter requesting to withdraw Plaintiffs' demand for a trial by Jury. As an initial matter, counsel for Plaintiffs' failed to meet and confer with counsel for Defendants in compliance with the Local Rules and the Court's Individual Rules of Practice prior to filing the request. Counsel for Plaintiffs neither emailed nor called counsel for Defendants prior to filing the instant letter. Accordingly, the request must be denied.

Moreover, Plaintiffs' request to withdraw Plaintiffs' demand for a trial by jury is improper and must be denied. Pursuant to Rule 38(d) of the Federal Rules of Civil Procedure, a demand for a trial by jury can only be withdrawn if the parties' consent. Defendants do not consent to Plaintiffs' request. Accordingly, Plaintiffs' attempt to withdraw the demand for trial by jury must be denied.

Thank you for your consideration.

Respectfully submitted,

/s/ Brett W. Joseph

cc: all counsel of record (via ECF)